

**Zoning Ordinance Approval  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 48  
AGENDA DATE: Thu 04/07/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0145 - 1209 Kinney Avenue - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning for Tract 1 and multifamily residence low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2. First reading on January 27, 2005. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Shirley and Volma Overton. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

---

## **SECOND / THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-04-0145

**REQUEST:**

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to family residence-conditional overlay (SF-3-CO) combining district and multifamily residence low density-conditional overlay (MF-2-CO) combining district.

**DEPARTMENT COMMENTS:**

The neighborhood and applicant are in agreement and support this request.

**OWNER/APPLICANT:** Shirley and Volma Overton

**AGENT:** Jim Bennett

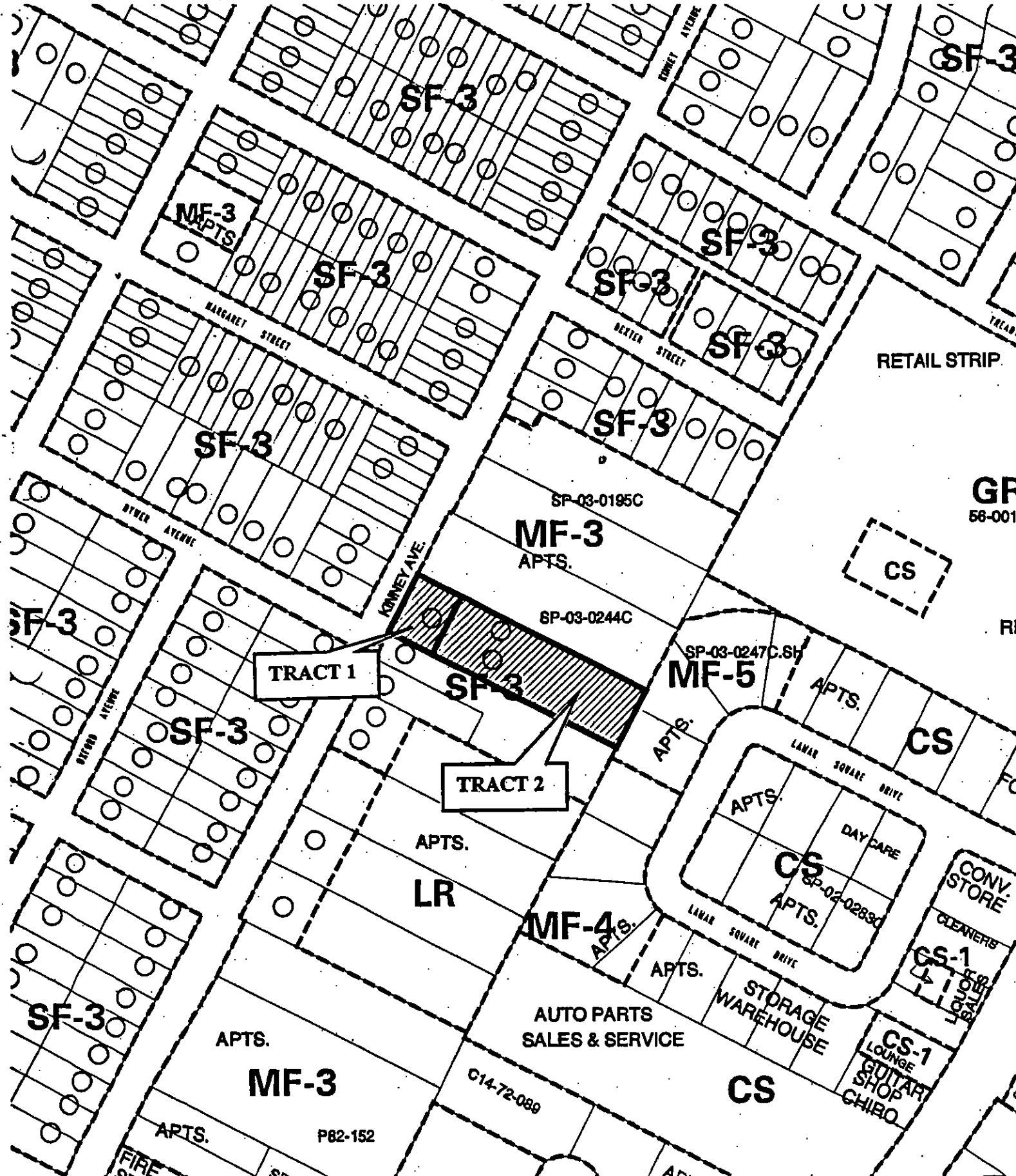
**DATE OF FIRST READING:** January 27, 2005 (7-0 on consent).




**CITY COUNCIL HEARING DATE:** April 7, 2005.

**CITY COUNCIL ACTION:**

**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** Robert Heil, e-mail: robert.heil@ci.austin.tx.us



SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: R.HEIL

CASE #: C14-04-0145  
 ADDRESS: 1209 KINNEY AVE.  
 SUBJECT AREA (acres): 0.991  
 C14-07-05

ZONING  
 DATE: 05-03  
 INTLS: TRC

CITY GRID  
 REFERENCE  
 NUMBER  
 H21



2-11

December 6, 2004,

Zilker Neighborhood Association  
Executive Committee

Committee Members:

Please accept this letter as our agreement and acceptance of the following conditions and restrictions for our proposed project at 1209 Kinney Ave.

Via Conditional Overlay:

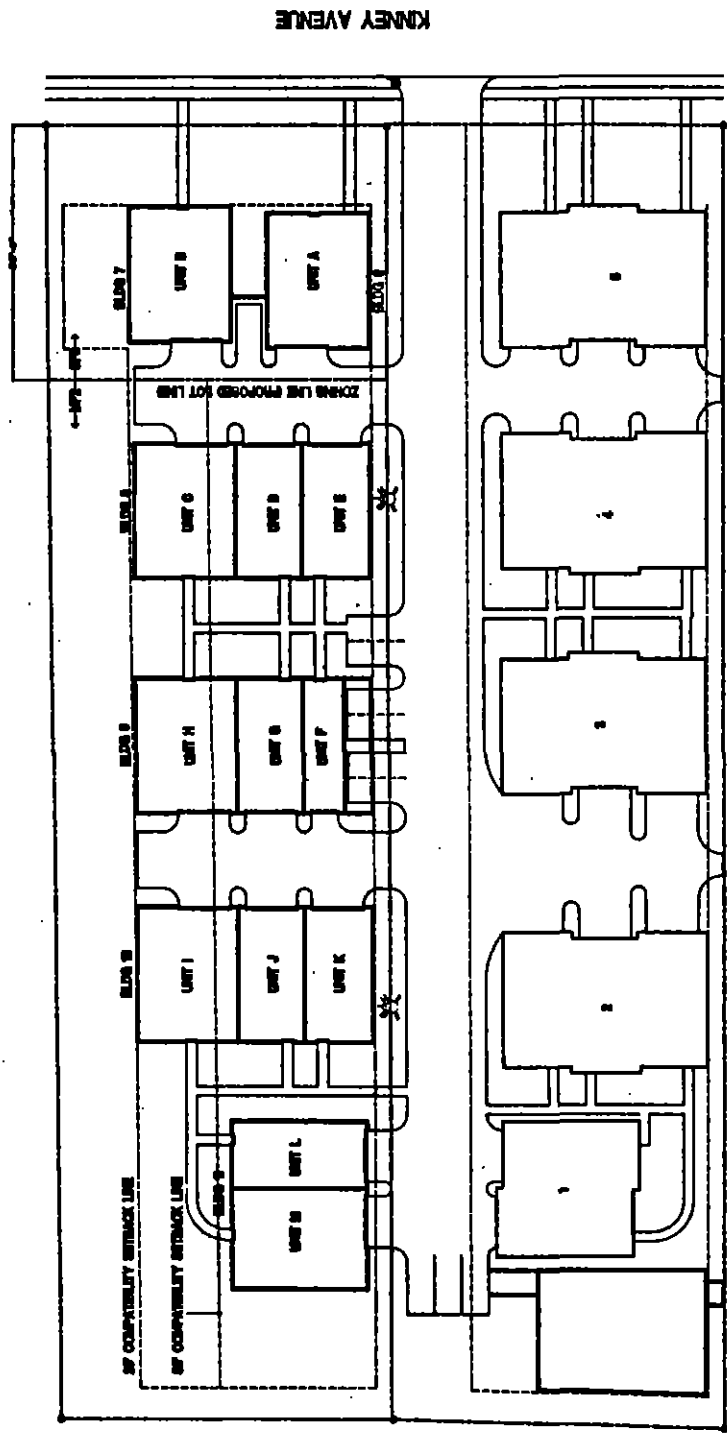
- Agreed to include only 2 individual front units, separated by a minimum of ten feet, with both units limited to 2 stories.
- Limit the total number of living units to 13.
- Provide 7 on site parking spaces. (Additional to those provided by garages)

Via restrictive covenant:

- Provide temporary, off street parking throughout the construction period.
- Insure that trash pick-up utilizes individual containers for each unit and prohibits dumpsters.
- Limit the height of site lighting to 10' maximum and prohibit "wall pack" lighting.
- Provide additional landscape screening along the west and south portions of the development, including adding shade trees.
- Protect and preserve 3 specific trees now existing in the south side setback.

Sincerely,

Richard Coons, Jr., partner  
Loft Company LLC

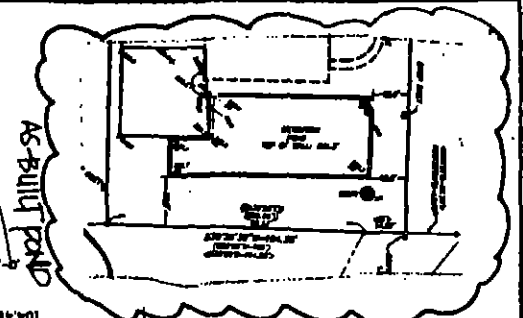


**PERCENT IMPERVIOUS COVER (PFC)**

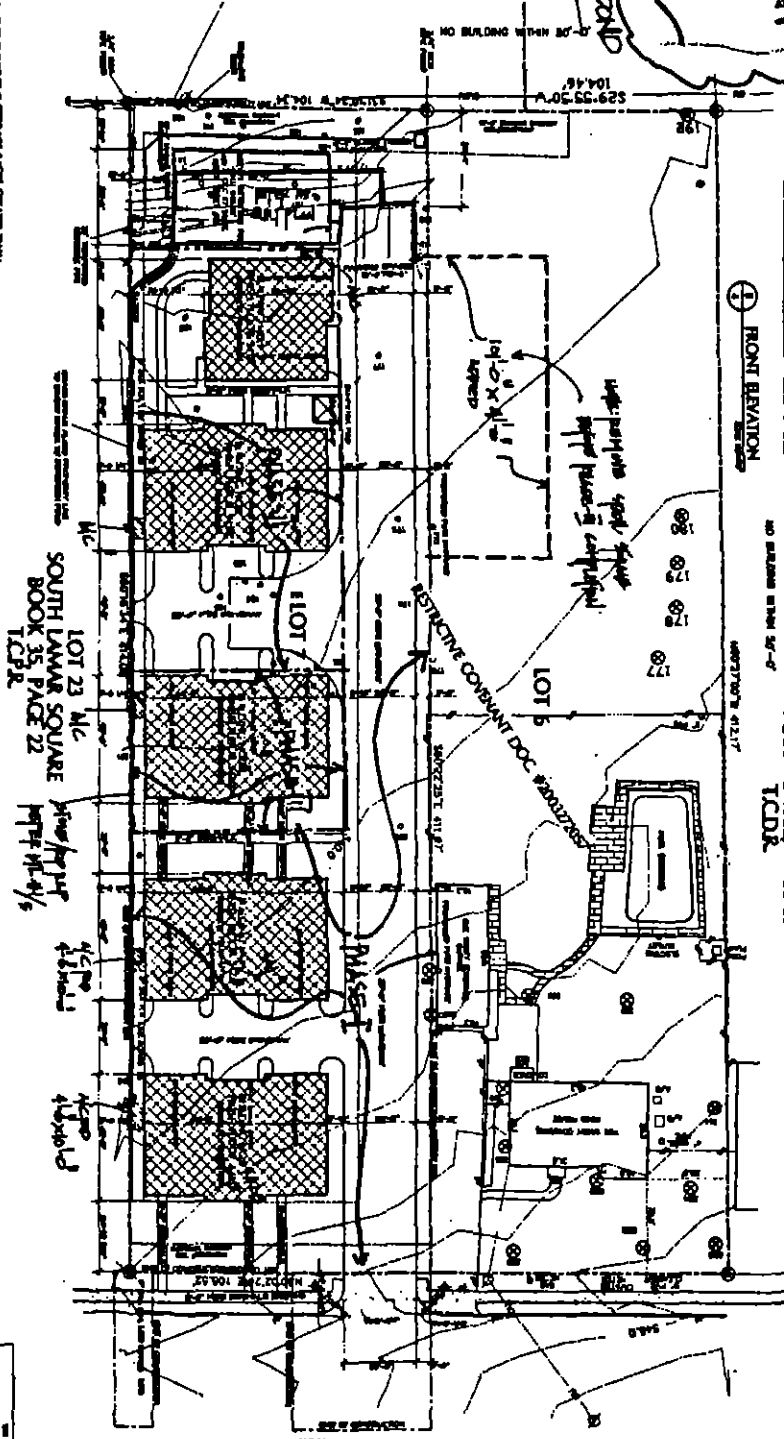
TOTAL AREA OF PROPERTY:	3,442	SQ. FT.
BUILDING FOOTPRINT AREA:	2,777	SQ. FT.
SEWER AND DRIVEWAY AREA:	662	SQ. FT.
TOTAL IMPERVIOUS COVER:	3,439	SQ. FT.
PERCENT IMPERVIOUS COVER:	100.00	%

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EUGENE &  
FRANCES HORTON  
VOLUME 1022, PAGE 23  
T.C.D.R.



KINNEY AVENUE  
(60' RIGHT-OF-WAY)  
BOOK 3, PAGE 188  
T.C.P.R.

[illegible]

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**rcoons**

**From:** "Bobby Rigney" <Bobby.Rigney@austin.utexas.edu>  
**To:** <rcoons@austin.rr.com>  
**Cc:** <ZNAExCom@yahoogroups.com>  
**Sent:** Monday, December 06, 2004 9:52 AM  
**Subject:** 1209 Kinney - Restrictive Covenant offering

**RE: Case C14-04-0145 - the Overton property at 1209 Kinney Avenue (staff: Robert Heil)**

Hello Richard,

Friday you requested what was discussed in the form of a list so I just cut and pasted those things in from my testimony at ZAP. Parts that I made blue are parts that I understood by ZAP Commissioners that staff could put into a Conditional Overlay. The remaining items are things that you are offering to place into a Restrictive Covenant under MF2. Note that it included landscaping. That was left open ended when saying "whatever you want". I'm sure the neighbors would never take literal advantage of such an open ended offer, but I cannot speak for them. It would need to be narrowed down by consulting over their specific decisions. I know that native or naturalized trees and bushes had already been spoken of, but I'm not aware of any specific list. As promised in our recent phone conversation, when you fax me your proposal, I can take it to Monday's ExCom meeting. I am only allowed incidental non-UT faxes at work, and this would be a first. The fax number is (512)471-1727, and I am usually here until 4:30 PM.

I don't mean to keep harping about this, but I feel responsible to repeat that the Zilker Neighborhood Association has a standing general membership vote of opposition to this change of zoning. The fact that we prefer lower zoning does not erode my personal appreciation for your movement towards addressing issues neighbors have brought up associated with the higher MF2 zoning. Since our next general membership meeting is not until February, and you expressed your desire to go forward with this project, the ZNA Executive Committee will be looking for a way to perhaps convene a special meeting for this single purpose. I will notify you of any progress. Thanks, Richard.

-Bobby

*cut/pasted from 11-16-04 Zoning and Platting meeting...*

- agreement to include only 2 individual front apartments separated by ten feet between them, with neither rising above two stories in height.**
- Limit the number of apartment units to thirteen (13), using the plan provided by the developer last Saturday.**
- To mitigate street parking, provide seven (7) on-site parking spaces additional to what's required by code;**
- Provide temporary off-street parking throughout the construction period;**
- Insure trash pickup uses containers for each apartment, and prohibit dumpsters;**
- Site lighting accomplished at a maximum height of 10 feet above grade, and prohibit so called "wall packs";**
- Provide landscaped screening along the west and south portions of the development, as already agreed to with neighbors, to include adding shade trees, and protecting 3 specific trees now existing in the south side setback.**
- The developer is agreeable to a Conditional Overlay, so we ask that city staff provide the proper wording for that C.O. which incorporates all those things.**

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 1209 KINNEY AVENUE FROM FAMILY  
3 RESIDENCE (SF-3) DISTRICT TO FAMILY RESIDENCE-CONDITIONAL  
4 OVERLAY (SF-3-CO) COMBINING DISTRICT FOR TRACT ONE AND  
5 MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-  
6 2-CO) COMBINING DISTRICT FOR TRACT TWO.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district on the property described in Zoning Case No. C14-04-0145, on file  
12 at the Neighborhood Planning and Zoning Department, as follows:  
13

14 Tract One: From family residence (SF-3) district to family residence-conditional  
15 overlay (SF-3-CO) combining district.  
16

17 A 0.194 acre tract of land, more or less, a portion of Lot 6, J.W. Templer  
18 Subdivision, in the City of Austin, Travis County, Texas, the tract of land being  
19 more particularly described by metes and bounds in Exhibit "A" incorporated into  
20 this ordinance; and  
21

22 Tract Two: From family residence (SF-3) district to multifamily residence low  
23 density-conditional overlay (MF-2-CO) combining district.  
24

25 A 0.797 acre tract of land, more or less, a portion of Lot 6, J.W. Templer  
26 Subdivision, in the City of Austin, Travis County, Texas, the tract of land being  
27 more particularly described by metes and bounds in Exhibit "B" incorporated into  
28 this ordinance (the "Property"),  
29

30 locally known as 1209 Kinney Avenue, in the City of Austin, Travis County, Texas, and  
31 generally identified in the map attached as Exhibit "C".  
32

33 PART 2. The Property within the boundaries of the conditional overlay combining district  
34 established by this ordinance is subject to the following conditions:  
35

- 36 1. The maximum number of residential units on the Property is thirteen units.  
37

- 1 2. The maximum number of residential units on Tract One is two units.  
2  
3 3. The maximum number of residential units on Tract Two is 11 units.  
4  
5 4. A building or structure constructed on Tract One:  
6  
7 a. may not exceed a height of 30 feet from ground level.  
8  
9 b. may not exceed a height of two stories, and  
10  
11 c. must be at least 10 feet apart from another building as measured from wall face to  
12 wall face.  
13  
14 5. The off-street parking requirement for a multifamily residential use of Tract Two shall  
15 be increased by seven off-street parking spaces.  
16

17 Except as specifically restricted under this ordinance, the Property may be developed and  
18 used in accordance with the regulations established for the respective base districts and  
19 other applicable requirements of the City Code.  
20

21 PART 3. This ordinance takes effect on \_\_\_\_\_, 2005.  
22

23  
24 **PASSED AND APPROVED**  
25

26  
27  
28 \_\_\_\_\_ 2005 §  
29

Will Wynn  
Mayor

30  
31  
32  
33 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk

**EXHIBIT A**  
**FIELD NOTES TO ACCOMPANY MAP OF SURVEY**  
**PREPARED FOR ZONING PURPOSES**  
**TRACT 1**  
**0.194 ACRES OF LAND**  
**PORTION OF LOT 6**  
**J.W. TEMPLER SUBDIVISION**  
**CITY OF AUSTIN, TRAVIS COUNTY**

FIELD NOTES DESCRIPTION OF A 0.194 ACRE TRACT OF LAND OUT OF LOT 6, J.W. TEMPLER SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 3, PAGE 188 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT CERTAIN PORTION OF LOT 6 CONVEYED TO VOLMA ROBERT OVERTON, JR. AND WIFE, SHIRLEY LOVE OVERTON BY DEED RECORDED IN VOLUME 11089, PAGE 1215 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 0.194 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a an iron pipe found on the east line of Kinney Avenue at the southwest corner of the said Lot 6 and northwest corner of Lot 5 of the said J.W. Templer subdivision;

**THENCE** N 30°11'54" E, a distance of 104.96 feet along the said east line of Kinney Avenue to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the northwest corner of the said Lot 6, the same being the southwest corner of Lot 7 of the said J.W. Templer subdivision;

**THENCE**, S 80°20'53" E, a distance of 80.50 feet along the common line between the said Lot 6 and Lot 7 to a point, from which a ½ inch diameter steel pin found at the northeast corner of the said Lot 6 and southeast corner of the said Lot 7 bears S 80°20'53" E, 331.22 feet;

**THENCE**, S 30°11'54" W, a distance of 104.96 feet, crossing the said Lot 6, to a point on the common line between the said Lot 6 and Lot 5;

**THENCE**, N 60°20'53" W, a distance of 80.50 feet to the **PLACE OF BEGINNING**, containing 0.194 acre of land, more or less;

**THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES ONLY.**

  
TIMOTHY A. LENZ, R.P.L.S. No. 4393

Lenz & Associates, Inc  
1714 Fort View Road, Suite 101  
Austin, Texas 78704  
(CoonsZoningTract1.doc)

2-7-05

DATE



# MAP TO ACCOMPANY FIELD NOTES

SCALE:

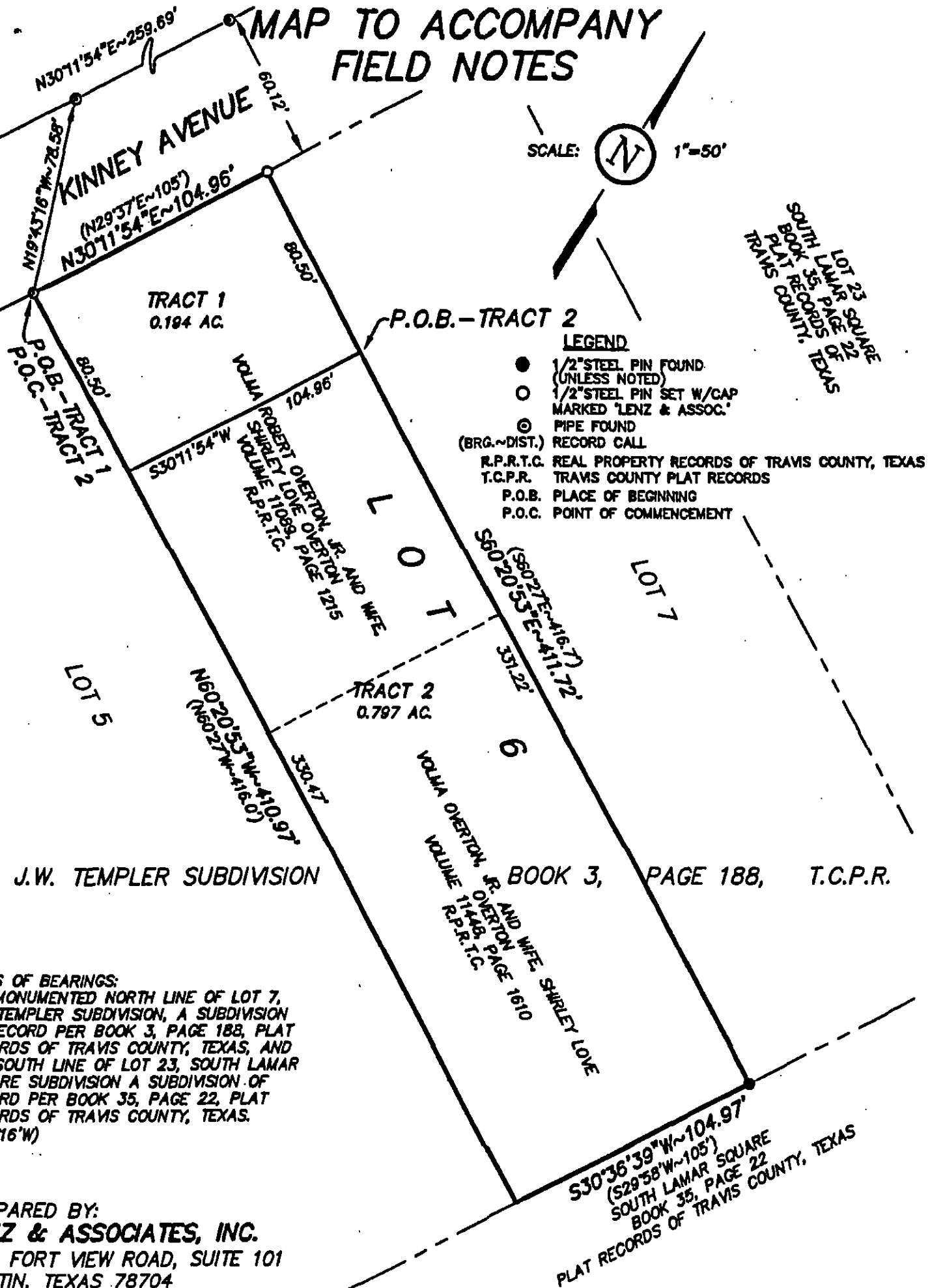


1"=50'

LOT 23 SQUARE  
UNWR PAGE OF  
BOOK 35, RECORDS  
PLAT RECORDS, TEXAS  
TRAVIS COUNTY.

## LEGEND

- 1/2" STEEL PIN FOUND (UNLESS NOTED)
- 1/2" STEEL PIN SET W/CAP MARKED 'LENZ & ASSOC.'
- ⊙ PIPE FOUND
- (BRG.~DIST.) RECORD CALL
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS
- P.O.B. PLACE OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



**EXHIBIT B**  
**FIELD NOTES TO ACCOMPANY MAP OF SURVEY**  
**PREPARED FOR ZONING PURPOSES**  
**TRACT 2**  
**0.797 ACRES OF LAND**  
**PORTION OF LOT 6**  
**J.W. TEMPLER SUBDIVISION**  
**CITY OF AUSTIN, TRAVIS COUNTY**

FIELD NOTES DESCRIPTION OF A 0.797 ACRE TRACT OF LAND OUT OF LOT 6, J.W. TEMPLER SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 3, PAGE 188 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING OUT OF THOSE CERTAIN PORTIONS OF LOT 6 CONVEYED TO VOLMA ROBERT OVERTON, JR. AND WIFE, SHIRLEY LOVE OVERTON BY DEEDS RECORDED IN VOLUME 11089, PAGE 1215 AND VOLUME 11448, PAGE 1010 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 0.797 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, at an iron pipe found on the east line of Kinney Avenue at the southwest corner of the said Lot 6 and northwest corner of Lot 5 of the said J.W. Templer subdivision;

**THENCE** N 30°11'54" E, a distance of 104.96 feet along the said east line of Kinney Avenue to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the northwest corner of the said Lot 6, the same being the southwest corner of Lot 7 of the said J.W. Templer subdivision;

**THENCE**, S 60°20'53" E, a distance of 80.50 feet along the common line between the said Lot 6 and Lot 7 to a point for the **PLACE OF BEGINNING** of the herein described tract;

**THENCE**, S 60°20'53" E, a distance of 331.22 feet, continuing with the said common line, to a ½ inch diameter steel pin found at the northeast corner of the said Lot 6 and southeast corner of the said Lot 7;

**THENCE**, S 30°36'39" W, a distance of 104.97 feet to a point at the southeast corner of the said Lot 6, the same being the northeast corner of the said Lot 5;

**THENCE**, N 60°20'53" W, a distance of 330.47 feet along the common line between the said Lot 6 and Lot 5 to a point;

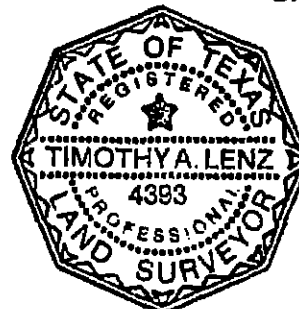
**THENCE**, N 30°11'54" E, a distance of 104.96 feet, crossing the said Lot 6, to the **PLACE OF BEGINNING**, containing 0.797 acre of land, more or less;

**THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES ONLY.**

  
TIMOTHY A. LENZ, R.P.L.S. No. 4393

Lenz & Associates, Inc  
1714 Fort View Road, Suite 101  
Austin, Texas 78704  
(CoonsZoningTract2.doc)

2-7-05  
DATE



N 30° 11' 54" E 259.89'

8' 14" 78.58"

KINNEY AVENUE

105°

104.96'

**1"-50'**

23 SQUARE  
LOT 1 LAKE PAGE OF  
SOUTH 35. PARDS TEXAS  
BOOK 1 COUNTY,  
PLAT COUNTY,  
TRAMS

**TRACT 1**  
**0.184 AC.**

**-P.O.B.-TRACT 2**

### LEGEND

- 1/2" STEEL PIN FOUND  
 (UNLESS NOTED)  
 ○ 1/2" STEEL PIN SET W/CAP  
 MARKED 'LENZ & ASSOC.'  
 ◎ PIPE FOUND  
 (BRG.~DIST.) RECORD CALL  
 R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS  
 T.C.P.R. TRAVIS COUNTY PLAT RECORDS  
 P.O.B. PLACE OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT

80-50  
P.O.B. - TRACT 1  
P.O.C. - TRACT 2

S30°11'54"W

LOT 5

**TRACT 2**  
**0.797 AC.**

330.47  
N 60° 20' 33" W - 410.67  
N 60° 21' 11" W - 419.05

BOOK 3,  
VOLMA OVERTON, JR. AND WIFE, SHIRLEY LOVE  
OVERTON  
VOLUME 114A, PAGE 1610  
R.P.R.T.C.

LOT 7

**J.W. TEMPLER SUBDIVISION**

9

BOOK 3, PAGE 188, T.C.P.R.

**BASIS OF BEARINGS:  
THE MONUMENTED NORTH LINE OF LOT 7,  
J.W. TEMPLER SUBDIVISION, A SUBDIVISION  
OF RECORD PER BOOK 3, PAGE 188, PLAT  
RECORDS OF TRAVIS COUNTY, TEXAS, AND  
THE SOUTH LINE OF LOT 23, SOUTH LAMAR  
SQUARE SUBDIVISION A SUBDIVISION OF  
RECORD PER BOOK 35, PAGE 22, PLAT  
RECORDS OF TRAVIS COUNTY, TEXAS.  
(N60°16'W)**

**PREPARED BY:**  
**LENZ & ASSOCIATES, INC.**  
1714 FORT VIEW ROAD, SUITE 101  
AUSTIN, TEXAS 78704

S30°36'39"W~104.3  
(S29°38'W~105")  
SOUTH LAMAR SQUARE  
BOOK 35, PAGE 22  
PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**ZONING CHANGE REVIEW SHEET****CASE:** C14-04-0145 (Overton 1)**City Council Date:** April 7, 2005  
January 27, 2005  
January 13, 2005**ADDRESS:** 1209 Kinney Avenue**OWNER/APPLICANT:** Shirley & Volma Overton**AGENT:** Jim Bennett**ZONING FROM:** SF-3**TO:** MF-3**AREA:** 1.002 acres**SUMMARY STAFF RECOMMENDATION:**

Staff supports the requested change from Family Residence (SF-3) to Multi-Family Residence (MF-3).

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 19, 2004: Postponed until November 16, 2004.

November 16, 2004: Alternative Recommendation MF-2-CO. The conditional overlay would restrict the development to 13 units, require 7 additional parking spaces and limit the height of buildings on Kinney Avenue to two stories. (The applicant agreed to the alternative recommendation). Vote 7-2 (Commissioners Hammond and Whaley Hawthorne opposed.)

**DEPARTMENT COMMENTS:**

The applicant agrees with the Zoning and Platting Commission's recommendation, and since that time the neighborhood and applicant have refined the agreement to include a provision of rezoning the front portion of the property to SF-3-CO.

The site is currently zoned SF-3 and has been developed with a single family residence. The lots along the east side of Kinney Avenue are very deep (414') and the back of the property is relatively undeveloped.

To the east of the subject tract is MF-5 zoned land, part of a multi-family development centered on Lamar Square Drive. (See Exhibit A - Zoning Map) Lots on the west side of Kinney Avenue have been zoned and developed as single-family houses. The lots along the east side of Kinney Avenue have been developed with a mix of single and multi-family uses. Multi-family projects are currently under construction on the lots just to the north of the subject tract. This construction is not reflected on the most recent aerial photograph available, but has been noted on Exhibit B, 2003 Aerial Photograph.

A small corner of the subject tract is covered by a Capital View Corridor (Exhibit C).

This property is located in the proposed Zilker Neighborhood Planning Area. MF-3 zoning on the subject tract would provide a transition from the MF-5 zoning to the east, and the single family neighborhood to the west.

The granting of MF-3 zoning for the subject tract is consistent with the MF-3 zoning granted to the similarly situated tracts immediately to the north of the subject tract.

Negotiations between the applicant and some members of the neighborhood resulted in a compromise recommendation of MF-2-CO, with the conditional overlay restricting the development to 13 units, requiring 7 additional parking spaces and limiting the height of buildings on Kinney Avenue to two stories. The Zoning and Platting Commission Recommended this alternative with a vote of 7-2.

Since that time additional negotiations between the developer and neighborhood representatives have refined the agreement to rezoning the above points, but leaving the front portion of the property zoned SF-3-CO.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single Family Residence
<i>North</i>	MF-3	Apartments (Condominiums – under construction)
<i>South</i>	SF-3	Single Family Residence
<i>East</i>	MF-5	Apartments
<i>West</i>	SF-3	Single Family Residence

**AREA STUDY:** Proposed Zilker Neighborhood Planning Area    **TIA:** N/A

**WATERSHED:** West Bouldin Creek    **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** Yes    **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Zilker Neighborhood Association (107)
- Barton Springs / Edwards Aquifer Conservation District (428)
- South Central Coalition (498)
- Austin Neighborhoods Council (411)
- Save our Springs Alliance (943)

**SCHOOLS: (AISD)**

Zilker Springs Elementary School    O. Henry Middle School    Austin High School

**CASE HISTORIES:**

There are no recent zoning case histories on this property.

There is a site plan currently approved for this property (SP- 03-0244C is on lots 6&7) which provides for 34,934 square feet of single family and condo uses, along with associated parking and drainage facilities.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Kinney Avenue	70'	Varies	Collector

- Sidewalks are located on both sides of Kinney Avenue
- No Capital Metro service is available on Kinney Avenue

**CITY COUNCIL DATE: ACTION:**

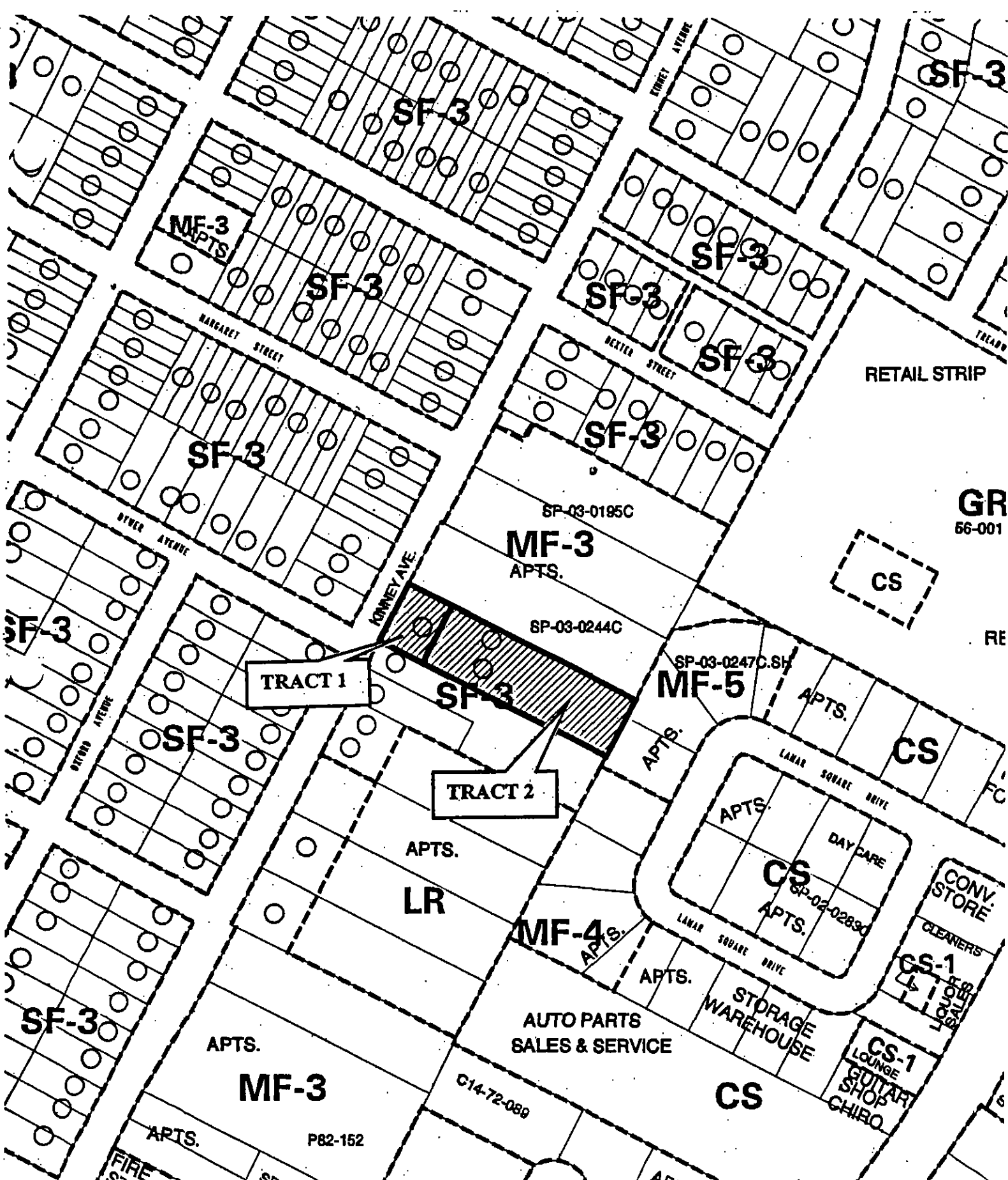
January, 13, 2005      Postponed at the neighborhood's request to 1/27/05. Vote 7-0.  
January 27, 2005      Approved on first reading: MF-2-CO. The conditional overlay would restrict the development to 13 units, require 7 additional parking spaces and limit the height of buildings on Kinney Avenue to two stories. Vote 7-0.





**ORDINANCE READINGS:**      1<sup>st</sup> January 27, 2005      2<sup>nd</sup>      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



	SUBJECT TRACT		<b>ZONING</b>  CASE #: C14-04-0145 ADDRESS: 1209 KINNEY AVE. SUBJECT AREA (acres): 0.991 C14-57-05	DATE: 05-03  INTLS: TRC	CITY GRID REFERENCE NUMBER H21
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: R.HEIL				



RETAIL

SF-3

SF-3

SF-3

SF-3

SP-03-A195C

MF-3

APTS

SP-03-074

SF-3

REAR SQUARE

CS

REAR SQUARE

LR

APTS

MF-3

APTS

MARGARET STREET

SF-3

DRIVER AVENUE

SF-3

SF-3

SP-03-A195C

AVENUE

SF-3

**SUMMARY STAFF RECOMMENDATION****C14-04-0145**

Staff supports the requested change from Single Family Residence (SF-3) to Multi-Family Residence (MF-3).

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

MF-3 zoning on the subject tract would provide a transition from the MF-5 zoning to the east, and the single family neighborhood to the west.

2. *Granting of the request should result in an equal treatment of similarly-situated properties.*

The granting of MF-3 zoning for the subject tract is consistent with the MF-3 zoning granted to the similarly situated tracts immediately to the north of the subject tract.

**EXISTING CONDITIONS****Site Characteristics**

The site is currently zoned SF-3 and has been developed with a single family residence. The lots along the east side of Kinney Avenue are very deep (414') and the back of the property is relatively undeveloped.

To the east of the subject tract is MF-5 zoned land, part of a multi-family development centered on Lamar Square Drive. (See Exhibit A - Zoning Map) Lots on the west side of Kinney Avenue have been zoned and developed as single-family houses. The lots along the east side of Kinney Avenue have been developed with a mix of single and multi-family uses. Multi-family projects are currently under construction on the lots just to the north of the subject tract. This construction is not reflected on the most recent aerial photograph available, but has been noted on Exhibit B, 2003 Aerial Photograph.

**Site Plan**

This site is within the South Lamar at La Casa Drive Capitol View Corridor. Height restrictions will be strictly enforced within the corridor at the time a site plan is submitted.

There is a site plan currently approved for this property (SP- 03-0244C is on lots 6&7) which provides for 34,934 square feet of single family and condo uses, along with associated parking and drainage facilities.

**Compatibility Standards**

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the south property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line (also along the west).
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

### Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 240 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Kinney Avenue	70'	Varies	Collector

### Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not

limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

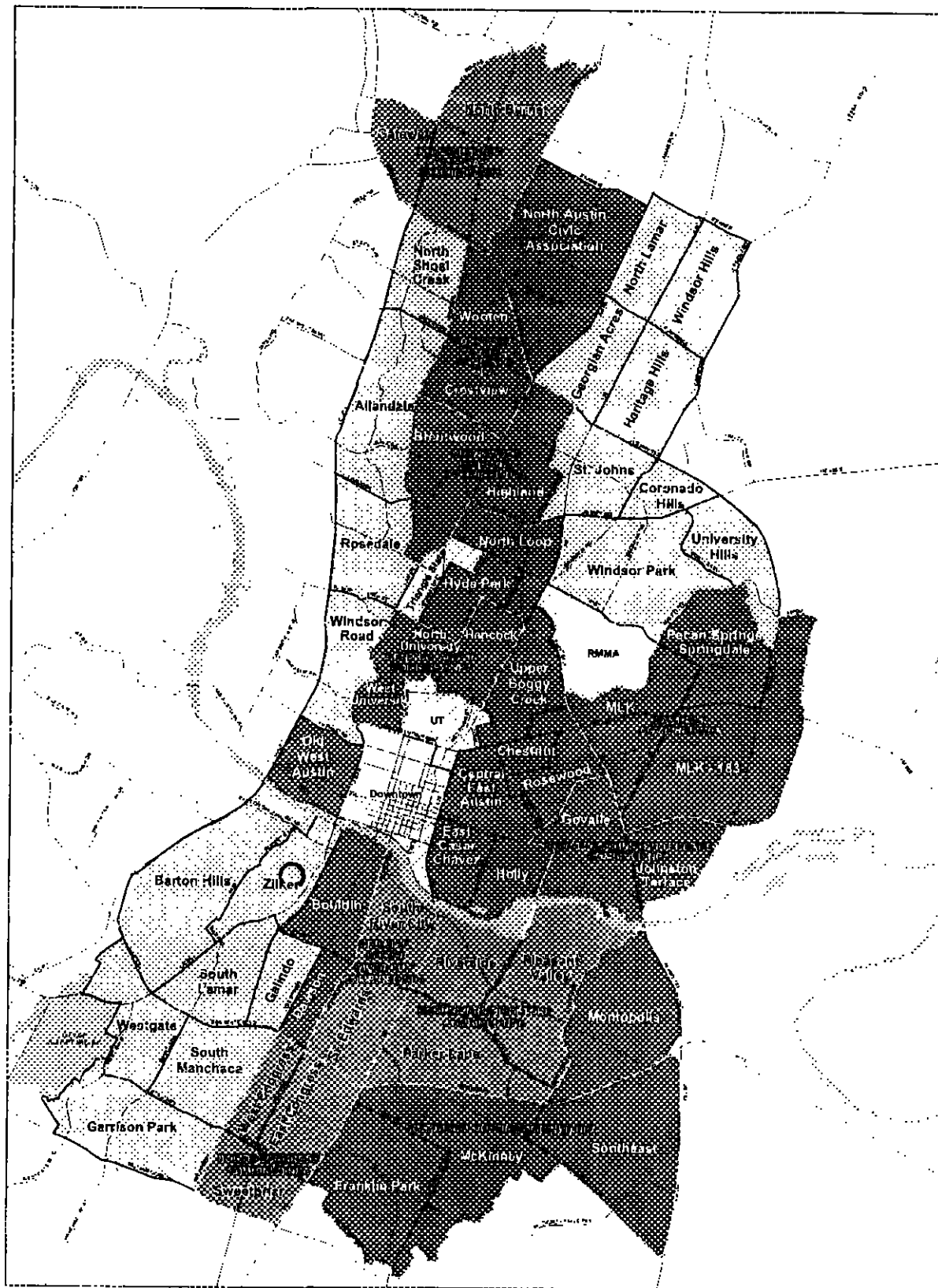
At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

#### **Environmental - Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.



## City of Austin Neighborhood Planning Areas



Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 10, 2004

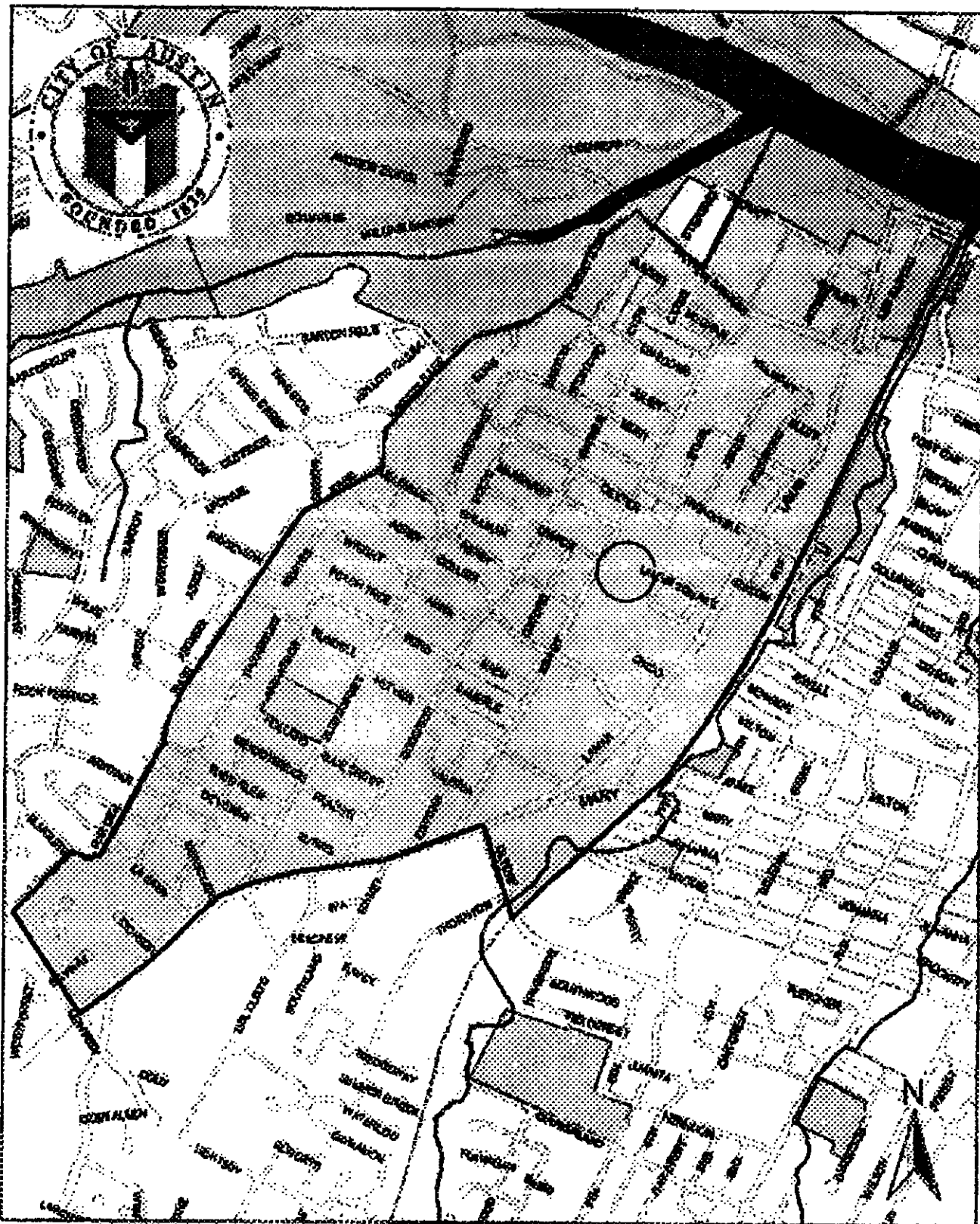
Combined Neighborhood  
Planning Areas

### Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



This map has been prepared by the City of Austin for the  
sole purpose of providing information and is not  
warranted to be accurate. No liability is incurred by the  
City of Austin for any errors or omissions.  
Revised 10/2004



# Zilker Neighborhood Planning Area

Neighborhood Planning  
 PECSO

January 16, 2001

0.3

0

0.3

0.6 Miles



Parks

**CITY ZONING AND PLATTING  
COMMISSION  
November 16, 2004 [ANNOTATED]  
One Texas Center  
505 Barton Springs Road  
Conference Room 325**

**CALL TO ORDER -- 6:00 P.M.**

**COMMENCED: 6:15 P.M.**

**ADJOURNED: 8:10 P.M.**

\_\_\_\_ Betty Baker - Chair  
\_\_\_\_ John Philip Donisi  
\_\_\_\_ Jay Gohil  
\_\_\_\_ Clarke Hammond - Secretary

\_\_\_\_ Melissa Whaley Hawthorne- Assist. Sec.  
\_\_\_\_ Keith Jackson - Parliamentarian  
\_\_\_\_ Joseph Martinez - Vice-Chair  
\_\_\_\_ Janis Pinnelli  
\_\_\_\_ Teresa Rabago

**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

**CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).**

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

4. **Rezoning:** C14-04-0145 - Overton 1  
**Location:** 1209 Kinney Avenue, West Bouldin Creek Watershed, Postponed from 10-19-04 (Neighborhood)  
**Owner/Applicant:** Shirley and Volma Overton  
**Agent:** Jim Bennett Consulting (Jim Bennett)  
**Request:** SF-3 to MF-3  
**Staff Rec.:** Recommended  
**Staff:** Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED MF-2-CO ZONING; WITH 13 UNITS ONLY; REQUIRE ADDITIONAL 7 PARKING SPACES; 2 STORY MAXIMUM HEIGHT LIMIT FOR THE FRONT 2 BUILDINGS FACING KINNEY AVENUE.**  
**[K.J; J.M 2<sup>ND</sup>] (7-2) C.H; M.W - NAY**

5. **Rezoning:** C14-04-0150 - Neighbor's Stop & Go  
**Location:** 6008 Manchaca Road, Williamson Creek Watershed, Postponed from 11-02-04 (Neighborhood)  
**Owner/Applicant:** Anthony R. Bertucci  
**Agent:** N/A  
**Request:** LO to CS  
**Staff Rec.:** Not Recommended  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**POSTPONED TO 1/18/05 (APPLICANT)**  
**[J.M; J.G 2<sup>ND</sup>] (9-0)**

6. **Rezoning:** C14-04-0134 - Kingdom Hall Zoning 2  
**Location:** 801 West St. Elmo Road, Williamson Creek Watershed  
**Owner/Applicant:** Westlake Congregation of Jehovah's Witnesses  
**Agent:** Crocker Consultants (Sarah Crocker)  
**Request:** SF-3 to LO-MU-CO  
**Staff Rec.:** Alternate recommendation: LO-MU-CO, with conditions  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION OF LO-MU-CO ZONING WITH CONDITIONS; ALSO PROHIBITING ALL TYPES OF MEDICAL USES; FURTHER RESTRICTING USES TO ONLY PERMITTED LO USES.**  
**[J.M; J.D 2<sup>ND</sup>] (9-0)**